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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,267	10/09/2003	Tamas Gergely	915-001.020	1735
4955	7590	09/14/2004	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			NGUYEN, LINH V	
			ART UNIT	PAPER NUMBER
			2819	
DATE MAILED: 09/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/684,267	GERGELY ET AL.
Examiner	Art Unit	
Linh V. Nguyen	2819	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 09 October 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-26 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 09 October 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/09/03.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

***Drawings***

1. Figure 1A – 1G should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1 - 26 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant Admitted Prior Art (AAPA) under Background of the invention Fig. 1A – 1G.

Regarding to claim 1, Fig. 1A of AAPA disclosed an improved code compression method for compressing code (Page 5 line 4), characterized in that the method comprises a model creation phase (Fig. 1A [2]) which has a phase of

treatment of model (page 5 lines 17 – 19) comprising growing a sub tree (Fig. 1D [2321]) into a tree (Fig. 1C [232]) of said model and a phase of pruning said sub tree (Fig. 1C [233]).

Regarding to claim 2, wherein the method comprises additionally another phase Fig. 1A [3]) for treatment of code, according to said model.

Regarding to claim 3, wherein a first stopping criterion and a second stopping criterion are determined for defining when stopping the growing and/or the pruning (Fig. 1D [2323], Fig. 1E [2333]).

Regarding to claim 4, wherein said sub tree growing (Fig. 1D) and said sub tree pruning (Fig. 1E) are performed dependently on each other (Fig. 1C) for optimizing a total cost of the treatment of model (Page 6 lines 14 – 24).

Regarding to claim 5, wherein the method comprises a training phase for optimizing the treatment of model according to an optimization criterion (Page 6 lines 14 – 24).

Regarding to claim 6, wherein a cost is estimated against a cost function arranged to be available for estimating whether or not to have treatment of model on said at least one sub tree (Page 6 lines 8 – 24).

Regarding to claim 7, wherein test data (Fig. 1G (C1, C2)) is used as an impulse for a treatment of model and the cost, as a cost for treatment of model, is evaluated as a response to the treatment of model as measured against an optimization criteria for said treatment of model (Page 6 lines 8 – 24).

Regarding to claim 8, wherein test data is arranged to comprise sets of test data as to form an ensemble of impulses for a treatment of model evaluation against an optimization criteria (Page 6 lines 8 – 24).

Regarding to claim 9, wherein the method has a phase in which test data of the pruning phase is varied as based on the cost from growing a node and/or the test data of the growing phase is varied as based on the pruning cost (Page 6 lines 8 – 24).

Regarding to claim 10, wherein test data is used for treatment of model optimization, said test data comprising a standard part of code (Page 4 lines 26 - 29).

Regarding to claim 11, wherein said test data has pre-determined tolerances (Fig. 1G step 23326) to yield an estimate on the cost in a process comprising a step of having treatment of model on a sub tree (Fig. 1G step 23327).

Regarding to claim 12, wherein the tolerances are determined iteratively (Fig1A – 1G), .

Regarding to claim 13, wherein bijectivity for the treatment of model and/or treatment of code is controlled (Page 6 lines 25 – 31).

Regarding to claim 14, wherein the method is applied recursively to a sub tree (Fig. 1A – 1G).

Regarding to claim 15, wherein pre-extracted information is stored for a treatment of model comprising a sub tree (Fig. 1D, 1E).

Regarding to claim 16, wherein the growing and/or pruning phases are each optimized, for a code to be communicated in a communications network, for such a network that is comprising at least two network elements operable in the communication duties between said network elements (Page 1 lines 16).

Regarding to claim 17, wherein the growing and/or pruning phases are each optimized for storing said code (Page 2 lines 15 – 17).

Regarding to claim 18, Fig. 1A discloses a system for code compression, characterized in that it comprises encoder (Fig. 1A [3]) further comprising means for growing a sub tree (Fig. 1D [2322]), means for pruning a sub tree (Fig. 1E [2332]) and cost evaluation means arranged to control the growing and/or pruning a sub tree (Fig. 1G).

Regarding to claim 19, wherein said means are implemented at least partly by a computer program product (Page 2 lines 15 – 29).

Regarding to claim 20, wherein said means comprise a hardware implementation for a part of said means (Page 2 line 19).

Regarding to claim 21, a computer program product, characterized in that it is in a machine-readable form for executing a method according to claim 1 (Fig. 1A - 1g).

Regarding to claim 22, a computer program product, characterized in that it is in a machine-readable form for implementing a system according to claim 18 (Fig. 1A – 1G).

Regarding to claim 23, a network element of a communication system comprising at least two net work elements and a network there between, for

communicating coded code over a boundary layer between said network element and a second network element of the network (Page 1 lines 16 – 17), characterized in that said network element comprises encoder (Fig. 1 [3]) means further comprising means for growing a sub tree (Fig. 1D [2322]), means for pruning a sub tree (Fig. 1E [2332]) and cost evaluation means (Fig. 1G) arranged to control the growing and/or pruning a sub tree.

Regarding to claim 24, wherein the network element comprises a base station (a base station is inherent for any communication network).

Regarding to claim 25, a network element of a communication system according to claim 23, wherein the net work element is a mobile terminal (intended of use only).

Regarding to claim 26, wherein the network element further comprises decoder means for decoding a code encoded by the encoder of claim 23 (Fig. 1A [3]).

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh Van Nguyen whose telephone number is (571) 272-1810. The examiner can normally be reached from 8:30 – 5:00 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Tokar can be reached at (571) 272-1812. The fax phone numbers for the organization where this application or

proceeding is assigned are (703-872-9306) for regular communications and (703-872-9306) for After Final communications.

LVN

08/24/04



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